



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/645,057

08/21/2003

Marcia L. Stockton

RSW920030109US1

6536

23550

7590

12/14/2006

HOFFMAN WARNICK & D'ALESSANDRO, LLC
75 STATE STREET
14TH FLOOR
ALBANY, NY 12207

EXAMINER

TRAN, TUYETLIEN T

ART UNIT

PAPER NUMBER

2179

DATE MAILED: 12/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/645,057

Applicant(s)

STOCKTON, MARCIA L.

Examiner

TuyetLien (Lien) T. Tran

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 8/21/03
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This application has been examined. The original claims 1-20 are pending. The examination results are as follows.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 12-16 and 17-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As to claim 12, a "system" is being recited; however, it appears that the system would reasonably be interpreted by one of ordinary skill in the art as software, per se.

As to claim 17, a "recordable medium" is recited; however, applicant's specification provides no explicit and deliberate definition of the "recordable medium" and it appears that such would reasonably be interpreted as being not limited to that which falls within a statutory category of invention.

Any claim not specifically addressed, above, is being rejected as incorporating the deficiencies of a claim upon which it depends.

Note that amending claim 17 to recite --computer storage medium-- would overcome this rejection in a manner consistent with Applicant's specification.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 12, 14, 16-17, and 19 rejected under 35 U.S.C. 102(a) as being anticipated by Ohsugi et al. (published article, 'A Recommendation System for Software Function Discovery' APSEC 2002 pages 248-257, hereinafter Ohsugi).

As to claim 12, Ohsugi teaches:

A system for customizing a user interface (e.g., a recommendation system based on a collaborative filtering approach to let users discover useful functions, see page 248 right column lines 13-16), the system comprising:

a definition system for defining the group of users (e.g., group of users A-D, see Fig. 2 on page 250);

a communication system for obtaining a use count for a user interface element for each user in a group of users (e.g., each user's usage history is sent to usage history server, see Fig. 2 on page 250); and

a calculation system for calculating a use weight for the user interface element based on the use counts for the group of users (e.g., calculating all user's summarized usage history, see Fig. 3 on page 251).

As to claim 17, Ohsugi teaches:

A program product stored on a recordable medium for customizing a user interface (e.g., a recommendation system based on a collaborative filtering approach to let users discover useful functions, see page 248 right column lines 13-16 and see Fig. 2), which when executed comprises:

program code for defining the group of users (e.g., group of users A-D, see Fig. 2 on page 250);

program code for obtaining a use count for a user interface element for each user in a group of users (e.g., usage history A-D are stored at the server and can be used to calculate all user's summarized usage history, see Fig. 2 and Fig. 3 on page 250-251);
and

program code for calculating a use weight for the user interface element based on the use counts for the group of users (e.g., calculating all user's summarized usage history, see Fig. 3 on page 251).

As to claims 14 and 19, Ohsugi teaches further comprising a recordation system for recording the use count for each user (e.g., usage history collector, see Fig. 2 in page 250).

As to claim 16, Ohsugi further teaches wherein the communication system further communicates the use weight to a user device for each user (e.g., recommendation for user A, see Fig. 3 on page 251).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-11, 13, 15, 18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohsugi in view of Arcuri et al (Patent No 6121968, hereinafter Arcuri).

As to claim 1, Ohsugi teaches:

A method of customizing a user interface (e.g., a recommendation system based on a collaborative filtering approach to let users discover useful functions, see page 248 right column lines 13-16), the method comprising:

recording a use count for a user interface element for each user in a group of users (e.g., each user's usage history as shown in Fig. 3 on page 251);

obtaining a use weight for the user interface element based on the use counts for the group of users (e.g., all user's summarized usage history, see Fig. 3 on page 251);

Ohsugi further teaches recommendation for users a list of useful functions based on use weight (see page 251 right column lines 9-13); however, Ohsugi does not expressly teach automatically modifying the user interface element. Arcuri, though, teaches automatically modifying the user interface element based on control usage (e.g., the short menu may be adapted to the personal needs of the user when the user

selects commands from the long menu which are not contained in the short menu, see col. 2 lines 23-30).

It would have been obvious to one of ordinary skill in the art having the teachings of Ohsugi and Arcuri before him at the time the invention was made to have combined the two teachings together to automatically modify user interface elements based on use weight in order to present commands to users that are useful without being confusing for the purpose of improving the user's productivity in using application software (see Ohsugi page 248 right column lines 13-20).

As to claim 10, Ohsugi teaches:

A method of customizing a user interface (e.g., a recommendation system based on a collaborative filtering approach to let users discover useful functions, see page 248 right column lines 13-16), the method comprising:

defining a group of users to include a plurality of users (e.g., group of users A-D, see Fig. 2 on page 250);

associating a server with the group of users (e.g., usage history server, see Fig. 2 on page 250);

obtaining a use count for a user interface element for each user in the group of users at the server (e.g., usage history A-D are stored at the server and can be used to calculate all user's summarized usage history, see Fig. 2 and Fig. 3 on page 250-251);

calculating a use weight for the user interface element based on the use counts for the group of users at the server (e.g., calculating all user's summarized usage history, see Fig. 3 on page 251).

Ohsugi further teaches recommendation for users a list of useful functions based on use weight (see page 251 right column lines 9-13); however, Ohsugi does not expressly teach automatically modifying the user interface element. Arcuri, though, teaches automatically modifying the user interface element based on control usage (e.g., the short menu may be adapted to the personal needs of the user when the user selects commands from the long menu which are not contained in the short menu, see col. 2 lines 23-30). Thus, combining Ohsugi and Arcuri would meet the claimed limitation for the same reason as discussed in claim 1.

As to claim 2, Ohsugi and Arcuri teach the limitations of claim 1 for the reasons as discussed with respect to claim 1 above. Ohsugi further teaches defining the group of users to include a plurality of users (e.g., group of users A-D, see Fig. 2 on page 250); and associating a server with the group of users (e.g., usage history server, see Fig. 2 on page 250).

As to claim 3, Ohsugi and Arcuri teach the limitations of claim 2 for the reasons as discussed with respect to claim 2 above. Ohsugi further teaches obtaining the use count from each user at the server (e.g., usage history A-D are stored at the server and can be used to calculate all user's summarized usage history, see Fig. 2 and Fig. 3 on page 250-251). However, Ohsugi does not expressly teach resetting the use count for each user. Arcuri, though, teaches resetting the use count for each user (e.g., the historical usage record can be deleted if the usage count field is decremented to a

prescribed number of usage count, see col. 3 lines 25-30). Thus, combining Ohsugi and Arcuri would meet the claimed limitation for the same reason as discussed in claim 1.

As to claim 4, Ohsugi and Arcuri teach the limitations of claim 2 for the reasons as discussed with respect to claim 2 above. Ohsugi further teaches requesting the use count from each user (e.g., see Fig. 2 on page 250).

As to claim 5, Ohsugi and Arcuri teach the limitations of claim 2 for the reasons as discussed with respect to claim 2 above. Ohsugi further teaches obtaining the use weight from the server at each user (e.g., calculating all user's summarized usage history, see Fig. 3 on page 251).

As to claim 6, Ohsugi and Arcuri teach the limitations of claim 2 for the reasons as discussed with respect to claim 2 above. However, Ohsugi does not expressly teach requesting the use weight from the server during initialization of the application. Arcuri, though, teaches requesting the use weight from the server during initialization of the application (e.g., see step 600 and 610 in Fig. 6). Thus, combining Ohsugi and Arcuri would meet the claimed limitation for the same reason as discussed in claim 1.

As to claim 7, Ohsugi and Arcuri teach the limitations of claim 1 for the reasons as discussed with respect to claim 1 above. Ohsugi further teaches wherein the use weight comprises one of: a neutral value, a positive likelihood value, and a negative likelihood value (e.g., all user's summarized usage history of 2 or 8%, 4 or 33%, 1 or 8, see Fig. 3 on page 251).

As to claim 8, Ohsugi and Arcuri teach the limitations of claim 7 for the reasons as discussed with respect to claim 7 above. Ohsugi further teaches wherein the use weight comprises a byte (e.g., numerical number such as 4, 2, 3, and 1 as shown in Fig. 3 on page 251).

As to claims 13 and 18, Ohsugi teaches the limitations of claims 12 and 17 for the reasons as discussed with respect to claims 12 and 17 above. Ohsugi further teaches recommendation for user a list of useful functions based on use weight (see page 251 right column lines 9-13); however, Ohsugi does not expressly teach modifying the user interface element for each user in the group of users based on the use weight. Arcuri, though, teaches modifying the user interface element for each user in the group of users based on control usage (e.g., the short menu may be adapted to the personal needs of the user when the user selects commands from the long menu which are not contained in the short menu, see col. 2 lines 23-30). Thus, combining Ohsugi and Arcuri would meet the claimed limitation for the same reason as discussed in claim 1.

As to claims 9, 15 and 20, Ohsugi and Arcuri teach the limitations of claims 1, 12 and 17 for the reasons as discussed with respect to claims 1, 12 and 17 above. Ohsugi further teaches recommendation for user a list of useful functions based on use weight (see page 251 right column lines 9-13); however, Ohsugi does not expressly teach configuring the user interface element to incorporate use data. Arcuri, though, teaches configuring the user interface element to incorporate use data (e.g., the short menu may be adapted to the personal needs of the user when the user selects commands from the

long menu which are not contained in the short menu, see col. 2 lines 23-30). Thus, combining Ohsugi and Arcuri would meet the claimed limitation for the same reason as discussed in claim 1.

As to claim 11, Ohsugi and Arcuri teach the limitations of claim 10 for the reasons as discussed with respect to claim 10 above. Ohsugi further teaches

recording the use count at a user device for each user (e.g., usage history collector, see Fig. 2 in page 250);

communicating the use count from each user device to the server (e.g. each user's usage history is sent to the usage history server, see Fig. 2 and page 250 left column lines 34-40); and

communicating the use weight from the server to each user device (e.g., sending recommendation to user A, see Fig. 3 on page 251).

Conclusion

The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action.

Examiner's note: Examiner has cited particular columns, line numbers, and figures in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teaching of the art

Art Unit: 2179

and are applied to the specific limitations within the individual claim, other passages and figures may apply as well.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TuyetLien (Lien) T. Tran whose telephone number is 571-270-1033. The examiner can normally be reached on Mon-Friday: 7:30 - 5:00, off on alternating Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

T.T
12/07/2006

Lien Tran
Examiner
Art Unit 2179

BA HUYNH
PRIMARY EXAMINER